

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STEFANO GRANATA, JUDSON THOMAS, COLBY
CANNIZZARO, CAMERON PROSPERI, THE GUN
RUNNER, LCC, and FIREARMS POLICY COALITION,
INC.,

Plaintiffs,

v.

ANDREA JOY CAMPBELL, in her official capacity as
Attorney General of the Commonwealth of Massachusetts,
and TERRENCE M. REIDY, in his official capacity as
Secretary of Executive Office of Public Safety and Security
of the Commonwealth of Massachusetts,

Defendants.

CIVIL ACTION
NO. 1:21-CV-10960-RWZ

**ASSENTED-TO MOTION BY DEFENDANTS
FOR AN EXTENSION OF TIME TO FILE A RESPONSIVE PLEADING**

Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A), Defendants, Attorney General Andrea Joy Campbell in her official capacity as the Attorney General of the Commonwealth of Massachusetts, and Terrence M. Reidy, in his official capacity as Secretary of the Executive Office of Public Safety and Security of the Commonwealth of Massachusetts, move to extend the time to file their responsive pleading 45 days until, and including, **November 20, 2023**. Plaintiffs have assented to the allowance of this motion.

In support of their motion, Defendants state as follows:

1. In this action, Plaintiffs bring claims challenging the Massachusetts Approved Firearms Roster and related statutes and regulations under the United States Constitution's Second Amendment.

2. Plaintiffs filed their first complaint in this case on June 8, 2021. ECF No. 1. Defendants moved to dismiss the complaint for failure to state a claim, ECF Nos. 14 and 15, and on May 19, 2022, the Court allowed Defendants' motion and dismissed the case, ECF Nos. 25 and 25.

3. Plaintiffs appealed to the U.S. Court of Appeals for the First Circuit. After briefing and argument, on April 7, 2023, the Court of Appeals vacated this Court's judgment "[i]n light of the Supreme Court's decision in *New York State Rifle & Pistol Ass'n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022)," and remanded to this Court "for further proceedings." ECF No. 32. The mandate issued on May 1, 2023. ECF No. 33.

4. Plaintiffs filed their First Amended Complaint on September 21, 2023. ECF No. 34.

5. Pursuant to Federal Rule of Civil Procedure 15(a)(3), Defendants' deadline to file a responsive pleading is October 5, 2023.

6. Due to undersigned counsel's conflicting responsibilities and pressing deadlines in other matters, undersigned counsel requires additional time to prepare a responsive pleading.

7. Among other deadlines, undersigned counsel AAG Fischer-Groban had an appellee's brief due in *Matter of K.P.*, Appellate Division Case No. 23-ADMH-50SO, on September 29, 2023; an oral argument in the Massachusetts Appeals Court in an impounded case held on October 5; a hearing on cross-motions for summary judgment in *Swansea Board of Selectmen v. Healey*, Bristol Superior Court No. 2173CV00906, scheduled for October 24, 2023; and she is representing the Commonwealth in *Castro v. Secretary of State*, D. Mass. Civil Action No. 1:23-cv-12121-MJJ, in which the plaintiff has filed an emergency motion for a temporary

restraining order and an expedited preliminary injunction hearing. As well, she is out of the office October 7-10.

8. AAG Gohlke had a motion to dismiss due on September 28, 2023, in *Triumph Foods v. Campbell*, D. Mass. No. 23-cv-11671-WGY, with a final pre-trial conference scheduled for October 10, 2023, in the same matter ahead of a to-be scheduled consolidated Rule 65 trial; has a responsive pleading due on October 10, 2023, in *Wilder v. Executive Office of the Trial Court*, Superior Court No. 2381CV02274; has an appellate brief due in an impounded case in the Massachusetts Appeals Court on October 23, 2023; and has an opposition and cross-motion for summary judgment due on October 27, 2023, in *Wilson v. Plymouth County DA's Office & Office of the Chief Medical Examiner*.

9. The Court has not yet calendared a scheduling conference pursuant to Local Rule 16.1. Allowance of this motion will not delay the progress or disposition of the case, and Plaintiffs have assented to the relief requested in this motion.

WHEREFORE, Defendants respectfully request that the time within which they must file and serve their responsive pleading be extended to, and including, November 20, 2023.

Respectfully submitted,

ANDREA JOY CAMPBELL, ATTORNEY
GENERAL, and SECRETARY TERRENCE M.
REIDY,

By their attorneys,

/s/ Phoebe Fischer-Groban

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Dated: October 5, 2023

CERTIFICATE PURSUANT TO LOCAL RULE 7.1(A)(2)

I hereby certify that, on October 4 and October 5, 2023, I conferred with counsel for the Plaintiffs, Raymond M. DiGuiseppe. He represented that the Plaintiffs assent to this motion.

/s/ Phoebe Fischer-Groban

Phoebe Fischer-Groban

Assistant Attorney General

CERTIFICATE OF SERVICE

I certify that this document filed through the CM/ECF system will be sent electronically to registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on October 5, 2023.

/s/ Phoebe Fischer-Groban

Phoebe Fischer-Groban

Assistant Attorney General